

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NICHOLAS ZIROGIANNIS, : x
individually and on behalf of a class, :
Plaintiff, :
-vs.- : No. 2:15-cv-05884 (SJF) (ARL)
SETERUS, INC., :
Defendant. :
----- x

MOTION TO DISMISS AMENDED COMPLAINT

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, dated February 3, 2016, and upon all the prior pleadings and proceedings, Defendant Seterus, Inc., by its attorneys Hogan Lovells US LLP, will move this Court before the Honorable Sandra J. Feuerstein, United States District Judge, United States District Court, Eastern District of New York, at the United States Courthouse, 100 Federal Plaza, Central Islip, New York 11722, at a date and time as shall be set by the Court, for an order, pursuant to Federal Rules of Civil Procedure (“FRCP”) 12(b)(1) and (6), dismissing the Amended Complaint (Dkt. No. 16) filed by plaintiff Nicholas Zirogiannis, because this Court lacks subject matter jurisdiction and because the Complaint fails to state a claim upon which relief may be granted. Oral argument, if any, will be on a date and at a time to be designated by the Court.

Dated: New York, New York
February 3, 2016

HOGAN LOVELLS US LLP

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CERTIFICATE OF SERVICE

I, Lisa Fried, hereby certify that on this 3rd day of February, 2016, I caused the foregoing document to be served via electronic mail and first-class mail upon:

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/s/ Lisa J. Fried

Lisa J. Fried

New York, New York
February 3, 2016